

**Department of Community Planning and Economic Development – Planning Division****Variance Request  
BZZ-2644****Date:** October 20, 2005**Applicant:** William Crifasi**Address of Property:** 1833 Newton Avenue North**Contact Person and Phone:** William Crifasi, (612) 986-3542**Planning Staff and Phone:** Shanna Sether, (612) 673-2307**Date Application Deemed Complete:** September 27<sup>th</sup>, 2005**End of 60 Day Decision Period:** November 26<sup>th</sup>, 2005**Ward: 5      Neighborhood Organization:** Northside Residents Redevelopment Council**Existing Zoning:** R1A, Single-family Residential District**Proposed Use:** Construction of a new single-family dwelling.**Proposed Variance:** A variance to reduce the required front yard setback along Newton Avenue North from 20 ft. to 16 ft. and a variance to reduce the required front yard setback along Golden Valley Road from 20 ft. and 15 ft. to allow for the construction of a new single-family dwelling on a reverse corner lot at 1833 Newton Avenue North in the R1A District.**Zoning code section authorizing the requested variance:** 525.520 (1) (1)**Background:** The subject property is located on the corner of Newton Avenue North and Golden Valley Road and is approximately 45.6 ft. by 82 ft. (3,739.2 sq. ft.). The adjacent property to the west fronts Golden Valley Road and the adjacent property to the south fronts Newton Avenue North. The subject property is currently vacant. The applicant is proposing to construct a new single-family dwelling on the subject property. The applicants are proposing to construct a two-story single-family dwelling with a detached garage.

The rear 43 ft. of lot 1 is a separate parcel, addressed as 1829 Newton Avenue North. The previous uses at both of these two properties were single-family residential structures that were constructed in 1895. The single family dwelling at 1833 Newton Avenue North was demolished in 1997 and the single-family dwelling at 1829 Newton Avenue North was demolished in 2000. The subject property is a substandard lot at 45.6 ft by 82 ft. The parcel is nonconforming as to lot width and area. Section 531.100 of the zoning code, which deals with nonconforming lots, reads as follows:

531.100. Nonconforming lots

- (a) *General restriction.* No building, structure or use shall be erected, constructed or established on a nonconforming lot unless a variance is granted by the board of adjustment, except that, subject to the requirements of subdivision (b), in a residence or OR1 District, a single-family dwelling may be erected on a lot of record existing on the effective date of this ordinance, provided that the yard dimensions and all other requirements for the district in which the lot is located, not involving lot area or lot width, shall be met. Yard requirement variances may be applied for through the board of adjustment, as specified in Chapter 525, Administration and Enforcement.
- (b) *Required merger of common ownership lots.* Notwithstanding the provisions of subdivision (a), if in a group of two (2) or more contiguous lots or parcels of land owned or controlled by the same person, any individual lot or parcel is nonconforming as to lot width or lot area, such individual lot or parcel shall not be sold or developed as a separate parcel of land, but shall be combined with adjacent lots or parcels under the same ownership or control so that the combination of lots or parcels will equal one (1) or more parcels of land each meeting the full lot width and lot area requirements of this zoning ordinance, and Chapter 598 of the Minneapolis Code of Ordinances, Land Subdivision Regulations.

In addition, the subject property is a reverse corner lot created by the original platting of the parcels. The proposed dwelling meets the required side yard and rear yard setbacks of the district.

Staff has reviewed the proposed dwelling for compliance with the proposed changes to the ordinance in regard to single to four dwelling units. The proposed design of the structure exceeds the minimum requirements for site plan review by having a detached garage, basement, cement-based siding, an open front porch and a maple tree in the front yard. The proposal currently meets the minimum window requirements; however, based on the original platting of the land, there is a requirement to have a principal entrance located on the north façade of the structure along Golden Valley Road, which is currently not proposed. The proposed structure currently shows a principal entrance on the west and south facades. This fact may change the windows on the north façade.

**Findings Required by the Minneapolis Zoning Code:**

- 1. The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

**Front yard setback (Golden Valley Road):** The applicant has requested a variance to reduce the required front yard setback along Golden Valley Road from 20 ft. to 15 ft. to allow for the construction of a new single-family dwelling on a reverse corner lot. The adjacent dwelling to the west has a 28 ft. front yard setback along Golden Valley Road and the lot is greater in size; approximately 44ft. by 125 ft. (5,500 sq. ft.) and is able to meet the district setback of 20 ft. The new single-family dwelling has a proposed front yard setback along Newton Avenue North of 16

ft. and the front yard setback along Golden Valley road of 15 ft. The proposed dwelling meets the required side and rear yard setbacks of the district. Strict adherence to the regulations requires that the entire dwelling is constructed behind the district front yard setback, which would render the lot unbuildable.

**Front yard setback (Newton Avenue North):** The applicant has variance to reduce the required front yard setback along Newton Avenue North from 20 ft. to 16 ft. to allow for the construction of a new single-family dwelling on a reverse corner lot. The adjacent parcel to the south of the subject property is vacant. The previous use on the vacant lot to the south was a single-family home, which was demolished in 2000. Strict adherence to the regulations requires that the entire dwelling is constructed behind the district front yard setback of 20 ft. which would render the lot unbuildable.

2. **The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

**Front yard setbacks:** The circumstances upon which the setback variances are requested are unique to the parcel of land due to the type of lot and the size of the lot. As previously mentioned, the subject property is a reverse corner lot; therefore, a front yard setback is required along both Golden Valley Road and Newton Avenue North. This is a circumstance that is unique to this parcel and not created by the applicant. The alternative to the variance would cause an undue hardship to the property owner, by not allowing the proposed construction of a single-family dwelling. The location of the existing structures and the configuration of the lots are not circumstances created by the applicant.

3. **The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

**Front yard setback:** Staff believes the new single-family dwelling will not alter the essential character of the surrounding neighborhood. The area is zoned R1A and consists primarily of single and two family dwellings. Staff believes that the new single-family dwelling will not be injurious to the use or enjoyment of other property in the vicinity.

4. **The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

**Front yard setbacks:** Granting the setback variances would likely have no impact on the congestion of area streets or fire safety, nor would the rear addition be detrimental to the public welfare or endanger the public safety.

**CPED Planning Division Report**  
BZZ-2644

**Recommendation of the Department of Community Planning and Economic Development - Planning Division:**

The Department of Community Planning and Economic Development – Planning Division recommends that the Board of Adjustment adopt the findings above and **approve** the variance to reduce the required front yard setback along Newton Avenue North from 20 ft. to 16 ft. and **approve** the variance to reduce the required front yard setback along Golden Valley Road from 20 ft. and 15 ft. both to allow for the construction of a new single-family dwelling on a reverse corner lot subject to the following conditions:

1. Review and approval of final site and elevation plans by the CPED Planning Division.
2. That the applicant meets the proposed requirements for new construction required by Chapter 530 of the zoning code.